



Order Filed on August 26, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

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In re:

Craig William Clayton

Amy Lynne Clayton

Debtors.

Chapter: 13

Case No.: 19-26972-ABA


Hearing Date: July 27, 2021

Judge Andrew B. Altenburg Jr.

CONSENT ORDER RESOLVING MOTION TO VACATE AUTOMATIC STAY

The relief set forth on the following pages is hereby **ORDERED**.

DATED: August 26, 2021



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Debtors: Craig William Clayton and Amy Lynne Clayton
Case No.: 19-26972-ABA
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE
AUTOMATIC STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate Automatic Stay (“Motion”) filed by Toyota Motor Credit Corporation (“Creditor”), whereas the post-petition arrearage amount was \$2,703.88, as of August 6, 2021, and whereas the Debtors and Creditor seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **2012 Toyota Tacoma; VIN: 3TMLU4EN8CM092196** provided that the Debtors comply with the following:

- a. Commencing on or before August 28, 2021 and continuing monthly on or before the 28th day of each consecutive month, the Debtors shall cure the post-petition arrearage amount, namely, \$2,703.88, by making five (5) monthly payments of \$540.78 each directly to Creditor; and
 - b. In addition to the above, the Debtors shall resume making the regular monthly payments to Creditor as they become due beginning with the August 28, 2021 payment.
2. All direct payments due hereunder not otherwise paid by electronic means and/or automatic draft, shall be sent directly to Creditor at the following address: **Toyota Motor Credit Corporation P.O. Box 9490, Cedar Rapids, Iowa 52409-9490.**
3. The Debtors will be in default under the Consent Order in the event that the Debtors fail to comply with the payment terms and conditions set forth in this Order and/or if the Debtors fail to make any payment due to Creditor under the Chapter 13 Plan.

4. If the Debtors fail to pay either the arrears and/or the contractual payments due to Creditor, and Debtors fail to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days' notice to counsel for Debtors and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a) permitting Creditor to exercise any rights under the loan documents with respect to the vehicle.

5. Notwithstanding the above, the automatic stay provided under 11 U.S.C. §362(a), shall be terminated as to Creditor on January 29, 2022, which is the maturity date of the underlying contract on the vehicle.

6. Nothing herein is intended to prevent the Debtors from seeking to pay off the balance in full to Creditor.

7. Creditor is awarded reimbursement of attorney fees and costs in the amount of \$250.00 and \$188.00 respectively, to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

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